| **Form 3—Application warrant to enter**Section 130 of the *Local Government Act 2009* (Qld)  |
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|  | I, **Thomasxxxxx,** Land Use Investigation Officer,being an authorised person appointed by **xxxxxx City Council** under section 202 of the *Local Government Act 2009* of **xxxxxxxxxxxxxxx**On oath say that there are reasonable grounds for suspecting that there is a particular thing/activity (the “evidence”) that may provide evidence of the commission of an offence against a *Local Government Act* 2009 and the evidence is/may be within the next seven days at the property described below.xxxxxxxxxxxxxx Queensland 4285Formatted Lot Plan: Lot xxxxxxx RP xxxxxxxxxxxA warrant is sought to obtain evidence of the following unlawful activities suspected to be taking place at the above premises:* The operation of a roofing business at a residential premises, without the necessary development approvals in place
* The illegal storage of roofing materials at a residential premises, without the necessary development approvals in place
* Unapproved building works
* Unapproved plumbing works

 Grounds for suspicion: **Roofing business** 1. On 30th August 2021, xxxxxxxxxx Council received numerous complaints alleging the unlawful operation of a roofing business at the above premises.
2. These complaints also included the illegal storage of roofing materials (eg: large sheets of iron and insulated panels) approximately 416 square metres on a residential premises.
3. Council records show that paul PACE is the property tenant/occupier and is also the owner of the roofing business.
4. The business, *‘City Roofing’* is listed on the internet as a roofing contractor and lists the business address xxxxxxx Qld 4285. The business mobile number is 0415 xxxxxxx and is the same number for the occupier, paul Pace that is recorded on Council records.
5. A check of aerial images ‘*Nearmaps*’ shows that from March 2017 there has been a gradual increase of xxxxxx materials on the property and the occupier has made no attempt to reduce this amount or restrict any further amounts from coming onto the premises.
6. The property is located within the Rural Residential zone, Park Living precinct pursuant to the xxxxxx Planning Scheme 2015 (planning scheme).
7. Under the Logan Planning Scheme storage of roofing materials is defined as ‘*Warehouse*’ and the operation of the business is defined as ‘*Low Impact Industry’* and is not approved in this zone.
8. Relevant under the planning scheme, within the Rural Residential zone:
	1. A Warehouse is categorised as assessable development, namely a material change of use, requiring impact assessment.
	2. A Low Impact Industry is categorised as assessable development, namely a material change of use, requiring impact assessment.
9. Under the planning scheme, a development permit for a Warehouse and Low Impact Industry is required to be approved by Council prior to the commencement of use on the premises.
10. On 30 November 2021, a check of Council records indicated that no development approvals exist to permit either the storage of roofing materials and/or the operation of a roofing business on this premises. **Illegal buildings**
11. On 3rd January 2020, xxxxxxx City Council also received complaints regarding the illegal construction of structures, being sheds and a track on the premises.
12. A check of aerial images ‘Nearmaps’ shows that from March 2017, there has been an additional shed constructed and extensions added to an existing shed. All of these works required a building permit and no building permit has ever been issued for this construction work.
13. On 30 November 2021, a check of Council records indicated that no development approvals / permits exist for the construction of any sheds or extensions to any existing shed.
14. Council Investigators have made previous attempts to gain access to the premises but on every occasion these attempts have been unsuccessful.
15. A warrant is required to authorise entry to obtain further evidence to identify and quantify the full extent of the activities occurring on the premises.
16. In order to carry out the inspection the following persons will need to be included in this application:
	* Members of xxxxxxxx
	* Members of Queensland Police Service
	* A qualified locksmith engaged by xxxxx City Council to gain access to the premises and any buildings necessary to obtain relevant information.

The offences suspected are:1. Section 163 *Planning Act 2016* - Carrying out assessable development without a permit.

Section 165 *Planning Act 2016* - Unlawful use of a premises.1. Section 115 *Building Act 1975* – Compliance with relevant BCA and QDC provisions for occupation and use of building.
2. Section 70 *Plumbing and Drainage Act 2018* - Owners obligation for operating and maintaining plumbing and drainage.

Section 130 of the *Local Government Act 2009* – Entering private property with, and in accordance with, a warrant |
| **Applicant** |
| Name |
| Name of local government |
| Office address |
| **Suspicion** |
|  |
| **Details** |
| The property:  |
| DescriptionSituated at |
| **Evidence** Particular thing/activity (the evidence for which the warrant is issued) **Grounds for suspicion**  |
| Particular thing/activity(the evidence for which this warrant is issued)Grounds for suspicion**Offences****suspected** |
| **Jurisdiction** |
| Local Government Act and section |
|  |
|  |

| **Form 3—Application warrant to enter**Section 130 of the *Local Government Act 2009* (Qld)  |
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| **Application** |  |
|  | I hereby make application for the issue of a warrant authorising me, with necessary and reasonable help and force, to enter the property between the hours of **7:00am and 6:00pm** for a period of 14 days to exercise the powers of an authorised person under the *Local Government Act 2009*.……………………………..*Signature of applicant*Sworn before me at Beenleigh, in the said State of Queensland this 9th day of December 2021.……………………………………………………………*Magistrate* |

| **Warrant to enter**Section 130 of the *Local Government Act 2009* (Qld)  |
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|  | I, **xxxxx,** Land Use Investigation Officer,being an authorised person appointed byxxxxxx **City Council** under section 202 of the *Local Government Act 2009* of **Central QLD 4114** The said authorised person has this day informed me the undersigned Magistrate on oath that there are reasonable grounds for suspecting that there is a particular thing/activity (the “evidence”) that may provide evidence of the commission of an offence against a *Local Government Act 2009* and the evidence is/may be within the next seven days at the property described below.xxxxxxxxx Queensland 4285Formatted Lot Plan: Lot 115xxxxxxxxxxxA warrant is sought to obtain evidence of the following unlawful activities suspected to be taking place at the above premises:* The operation of a roofing business at a residential premises, without the necessary development approvals in place
* The illegal storage of roofing materials at a residential premises, without the necessary development approvals in place
* Unapproved building works
* Unapproved plumbing works

 Grounds for suspicion: **Roofing business** 1. On 30th August 2021, xxxxxxxxx Council received numerous complaints alleging the unlawful operation of a roofing business at the above premises.
2. These complaints also included the illegal storage of roofing materials (eg: large sheets of iron and insulated panels) approximately 416 square metres on a residential premises.
3. Council records show that paul pace is the property tenant/occupier and is also the owner of the roofing business.
4. The business, *‘xxxxxxx Roofing’* is listed on the internet as a roofing contractor and lists the business address as xxxxxxxQld. The business mobile number is 0415 xxxxxx and is the same number for the occupier, xxxxxxx that is recorded on Council records.
5. A check of aerial images ‘*Nearmaps*’ shows that from March 2017 there has been a gradual increase of roofing materials on the property and the occupier has made no attempt to reduce this amount or restrict any further amounts from coming onto the premises.
6. The property is located within the Rural Residential zone, Park Living precinct pursuant to the Logan Planning Scheme 2015 (planning scheme).
7. Under the Logan Planning Scheme storage of roofing materials is defined as ‘*Warehouse*’ and the operation of the business is defined as ‘*Low Impact Industry’* and is not approved in this zone.
8. Relevant under the planning scheme, within the Rural Residential zone:
	1. A Warehouse is categorised as assessable development, namely a material change of use, requiring impact assessment.
	2. A Low Impact Industry is categorised as assessable development, namely a material change of use, requiring impact assessment.
9. Under the planning scheme, a development permit for a Warehouse and Low Impact Industry is required to be approved by Council prior to the commencement of use on the premises.
10. On 30 November 2021, a check of Council records indicated that no development approvals exist to permit either the storage of roofing materials and/or the operation of a roofing business on this premises. **Illegal buildings**
11. On 3rd January 2020, xxxxxxxxCouncil also received complaints regarding the illegal construction of structures, being sheds and a track on the premises.
12. A check of aerial images ‘Nearmaps’ shows that from March 2017, there has been an additional shed constructed and extensions added to an existing shed. All of these works required a building permit and no building permit has ever been issued for this construction work.
13. On 30 November 2021, a check of Council records indicated that no development approvals / permits exist for the construction of any sheds or extensions to any existing shed.
14. Council Investigators have made previous attempts to gain access to the premises but on every occasion these attempts have been unsuccessful.
15. A warrant is required to authorise entry to obtain further evidence to identify and quantify the full extent of the activities occurring on the premises.
16. In order to carry out the inspection the following persons will need to be included in this application:
	* Members of Logan City Council’s Land Use Investigation Team
	* Members of Logan City Council’s Building Investigation Team
	* Members of Logan City Council’s Animal Care Team
	* Members of Queensland Police Service
	* A qualified locksmith engaged by Logan City Council to gain access to the premises and any buildings necessary to obtain relevant information.

The offences suspected are:1. Section 163 *Planning Act 2016* - Carrying out assessable development without a permit.
2. Section 165 *Planning Act 2016* - Unlawful use of a premises.
3. Section 115 *Building Act 1975* – Compliance with relevant BCA and QDC provisions for occupation and use of building.
4. Section 70 *Plumbing and Drainage Act 2018* - Owners obligation for operating and maintaining plumbing and drainage.

Section 130 of the *Local Government Act 2009* – Entering private property with, and in accordance with, a warrant |
| **Applicant** |
| Name |
| Name of local government |
| Office address |
| **Information**  |
|  |
| **Details** |
| The property:  |
| DescriptionSituated at |
| **Evidence** Particular thing/activity (the evidence for which the warrant is issued) **Grounds for suspicion**  |
| **Offences****suspected** |
| **Jurisdiction** |
| Local Government Act and section |
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|  |

| **Warrant to enter**Section 130 of the *Local Government Act 2009* (Qld)  |
| --- |
| **Authorisation**  |  |
|  | WHEREAS I am satisfied that there are reasonable grounds for so suspecting.YOU the said authorised person are hereby authorised between the hours of 7:00am and 6:00pm with such necessary and reasonable help and force to enter the property and exercise the powers of an authorised person under the *Local Government Act 2009*. |
| **Expiry** (within 14 days after the warrant is issued) | This warrant stops having effect at ……………….………a.m./p.m. on ……………….……………….………………..……………….…………...Given under my hand at Beenleigh Magistrates Court, in the said State of Queensland this 9th day of December 2021.………………………………….……………….Magistrate |